

**LAHIVE  
&  
COCKFIELD**  
LLP

COUNSELLORS AT LAW  
28 STATE STREET  
BOSTON, MASSACHUSETTS 02109-1784  
TELEPHONE (617) 227-7400  
FAX (617) 742-4214  
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)  
THOMAS V. SMURZYNSKI  
RALPH A. LOREN  
GIULIO A. DeCONI, JR.  
ELIZABETH A. MANLEY  
AMY BAKER MANDRAGOURAS  
ANTHONY A. LAURENTANO  
KEVIN J. CANNING  
JANE E. REMILLARD  
DEANN FORAN SMITH  
DEBRA J. MILASINIC, Ph.D.  
DAVID J. RIKKERS  
DAVID R. BURNS  
JOHN S. CURRAN  
SEAN D. DETWEILER  
MEGAN E. WILLIAMS, Ph.D.

LISA M. DRONCO  
NATHANWAY P. RUSSELL  
MARIA LACOTRIPE ZACHARAKUS, Ph.D.  
MERIDETH C. ARNOLD  
DANIELLE L. HERRITT  
EUNHOON LEE

SENIOR COUNSEL  
JAMES E. COCKFIELD

OF COUNSEL  
JEREMIAH LYNCH  
WILLIAM A. SCOFIELD, JR.  
SIBILEY P. REPPERT  
JEANNE M. DiGIORGIO  
CYNTHIA L. KANIK, Ph.D.  
JOHN D. LANZA

PATENT AGENTS  
THEODORE R. WEST  
CYNTHIA M. SOROGOS  
PETER W. DINI, Ph.D.  
JONATHAN M. SPARKS, Ph.D.

TECHNICAL SPECIALISTS  
CATHERINE M. BISHOP  
JACOB G. WEINTRAUB  
CRISTINE E. HOWLEY, Ph.D.  
JILL ANN MELLO, Ph.D.  
DEBORAH L. NAGLE, Ph.D.  
ANNE JACQUELINE NOWAK, Ph.D.  
ANDRINA WILLIAMS ZINK

\* Admitted in TX only  
\*\* Admitted in CT only

## Facsimile Cover Sheet

**To:** U.S. Patent and Trademark Office  
Commissioner for Patents

**Location:** Office of Initial Patent Examination  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Phone:** 703-308-0198

**Fax:** 703-872-9306

**From:** Cynthia L. Kanik, Ph.D.

**Phone:** (617) 227-7400

**Fax:** (617) 742-4214

**Application No.:** 09/513,997

**Examiner:** Unknown

**Group Art Unit:**

**Case No.:** ATX-007CP4DV17 (formerly 0221-0003Q)

**Date:** October 2, 2003

**Sent By:** CLK/ker

**Pages including this  
cover page:** 4

**Message:**

Please confirm receipt of this correspondence by return facsimile.

OFFICIAL

RECEIVED  
CENTRAL FAX CENTER

OCT 03 2003

The documents transmitted by this facsimile are intended for the use of the individual or the entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of the message is not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

**LAHIVE  
&  
COCKFIELD**  
L L P

COUNSELLORS AT LAW  
28 STATE STREET  
BOSTON, MASSACHUSETTS 02109-1784  
TELEPHONE (617) 227-7400  
FAX (617) 742-4214  
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)  
THOMAS V. SMURZYNSKI  
RALPH A. LOREN  
GIULIO A. D'AMONTE, JR.  
ELIZABETH A. MANLEY  
AMY BAKER MANDRACOURAS  
ANTHONY A. LAURENTANO  
KEVIN J. CANNING  
JANE E. REMILLARD  
DEANN FORAN SMITH  
DEBRA J. MILASINIC, Ph.D.  
DAVID J. RINKERS  
DAVID R. BURNS  
JOHN S. CURRAN  
SEAN D. DETWEILER  
MEGAN E. WILLIAMS, Ph.D.

LISA M. DROCCO  
HATHAWAY P. RUSSELL  
MARIA LACOSTRE ZACHARANS, Ph.D.  
MERIDETH C. ARNOLD  
DANIELLE L. HERRITT  
EUNHOON LEE

SENIOR COUNSEL  
JAMES E. COCKFIELD

OF COUNSEL  
JEREMIAH LYNCH  
WILLIAM A. SCOFIELD, JR.  
SIBLEY P. REPERT  
JEANNE M. DIGIORGIO  
CYNTHIA L. KANIK, Ph.D.  
JOHN D. LANZA

PATENT AGENTS  
THEODORE R. WEST  
CYNTHIA M. SOROS  
PETER W. DINI, Ph.D.  
JONATHAN M. SPARKS, Ph.D.  
ANDRINA WILLIAMS ZINK

TECHNICAL SPECIALISTS  
CATHERINE M. BISHOP  
JACOB G. WEINTRAUB  
CRISTIN E. HOWLEY, Ph.D.  
JILL ANN MELLO, Ph.D.  
DEBORAH L. MAGLE, Ph.D.  
ANNE JACQUELINE NOWAK, Ph.D.

\* Admitted in TX only  
\*\* Admitted in CT only

October 2, 2003

**VIA FACSIMILE**

M.S. Office of Initial Patent Examination  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

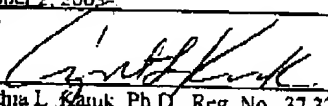
Re: U.S. Patent Application Serial No. 09/513,997  
For: Compositions and Methods for Non-Targeted  
Activation of Endogenous Genes  
Inventor: John J. Harrington  
Filed: February 25, 2000  
Examiner: Unknown Art Unit:  
Attorney Docket No.: ATX-007CP4DV17 (Formerly 0221-00030)

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

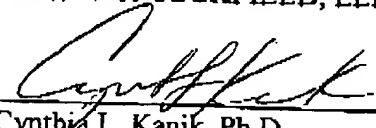
1. Revocation of Power of Attorney (2 pages).

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

<b><u>CERTIFICATE OF FACSIMILE TRANSMISSION</u></b>	
I hereby certify that this correspondence is being facsimile transmitted to the: M.S. Office of Initial Patent Examination, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:	
October 2, 2003	
Date	
	
Cynthia L. Kanik, Ph.D., Reg. No. 37,320	

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

  
Cynthia L. Kanik, Ph.D.  
Reg. No. 37,320

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: John J. Harrington

Serial No.: 09/513,997

Filed: February 25, 2000

For: COMPOSITIONS AND METHODS FOR NON-TARGETED ACTIVATION OF ENDOGENOUS GENES

Attorney Docket No.: ATX-007CP4DV17 (formerly 0221-0003Q)

Group Art Unit:

Examiner:

RECEIVED  
CENTRAL FAX CENTER  
OCT 03 2003Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 222313-1450

OFFICIAL

**Certificate of Facsimile Transmittal**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark office, Facsimile No. on the date shown below 703-872-9306 on the date set forth below.

October 2, 2003  
Date of Signature and of Mail Deposit

By:

Cynthia L. Kanik  
Cynthia L. Kanik, Ph.D.  
Reg. No. 37,320  
Attorney for Applicants**REVOCATION OF PRIOR POWERS OF ATTORNEY  
AND APPOINTMENT OF NEW POWER OF ATTORNEY**

Dear Sir:

Athersys, Inc., the Assignee of the entire right, title and interest in the above-identified application by virtue of the Assignment document recorded in the U.S. Patent and Trademark Office for U.S. Serial No. 09/276,820 on 2 July 1999 (reel 010064, frame 0420) hereby revokes all Powers of Attorney with respect to that application heretofore granted and appoints the below listed attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent Office connected therewith.

-2-

James E. Cockfield	Reg. No. 19,162
Thomas V. Smurzynski	Reg. No. 24,798
Ralph A. Loren	Reg. No. 29,325
Giulio A. DeConti, Jr.	Reg. No. 31,503
Ann Lamport Hammitte	Reg. No. 34,858
Elizabeth A. Hanley	Reg. No. 33,505
Amy E. Mandragouras	Reg. No. 36,207
Anthony A. Laurentano	Reg. No. 38,220
Kevin J. Canning	Reg. No. 35,470
Jane F. Remillard	Reg. No. 38,872
DeAnn F. Smith	Reg. No. 36,683
Peter C. Lauro	Reg. No. 32,360
Jeanne M. DiGiorgio	Reg. No. 41,710
Megan E. Williams	Reg. No. 43,270
Jeremiah Lynch	Reg. No. 17,425
David J. Rikkets	Reg. No. 43,882

Maria C. Lacompe Zacharakis	Limited Recognition Under 37 C.F.R. § 10.9(b)
Debra J. Milasincic	Reg. No. 46,931
David R. Burns	Reg. No. 46,590
Sean D. Derweiler	Reg. No. 42,482
Cynthia L. Kanik	Reg. No. 37,320
Theodore R. West	Reg. No. 47,202
Hathaway P. Russell	Reg. No. 46,488
John S. Curran	Reg. No. 50,445
Lisa M. DiRocco	Reg. No. 51,619
Danielle L. Herritt	Reg. No. 43,670
Merideth C. Arnold	Reg. No. 52,568
Peter W. Dini	Reg. No. 52,821
Cynthia M. Soroos	Reg. No. 53,623
Jonathan M. Sparks	Reg. No. 53,624

of LAHIVE & COCKFIELD, LLP, 28 State Street, Boston, Massachusetts 02109, United States of America, and

and to:

Anne Brown

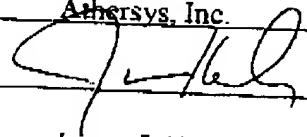
Reg. No. 36,463

of: **Athersys, Inc.**, 3201 Carnegie Avenue, Cleveland, OH 44115,  
United States of America

Please send all correspondence relating to the above patent application to:

Cynthia L. Kanik, Ph.D.  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, MA 02109  
(617) 227-7400

For: Athersys, Inc.

By: 

Typed Name: James J. Kovach

Title: Executive Vice President and COO

Dated: 8/4/03